

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

ART UNIT 1761

In re Patent Application of  
MARK JAMES BECKMAN  
Application No. 10/728,447

Docket PA1.677  
I hereby certify that this  
correspondence is being  
FILED with the United  
Serial No.: 10/728,447  
States PATENT AND  
TRADEMARK OFFICE  
BY ELECTRONIC MEANS

Filed 12/04/2003

For: SNACK PACKAGE ADAPTER FOR A BOTTLE

/John E. Halamka, 30177/

John E. Halamka

Dated: December 16, 2009  
Rancho Palos Verdes, CA

Examiner: Kumar, Rakesh

RESPONSE TO Office Action dated 006/16/2009 IN RESPONSE TO communication  
filed 06 April 2009.

Honorable Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

ISSUE A: The examiner has raised the issue of priority of the above identified application (known to Applicant's attorney as the CIP) to a prior filed application No. 09/301,868 (known to applicant's attorney as the ORIGINAL U.S. patent application. The examiner questions the disclosure of the invention in the parent application (but examiner fails to identify which parent) to meet the requirements of 35 U.S.C. 112. The examiner is of the opinion that application No. 11/044,811 (known to applicant's attorney as the PROCESS patent application) fails to provide adequate support for one or more claims in application 10/728,447 which is known to applicant's attorney as the CIP application.

ISSUE B: Application 09/301,668 (the original US) fails to provide adequate support or enablement for one or more claims of the above identified application (the CIP application).

ISSUE C: The claimed invention in the above identified application (the CIP application) is not the same invention that is cited in the prior-filed application (the original U.S. application).

ISSUE D: Applicants election of species 1 (in the original U.S. application and in the CIP application) (added comment for clarification on a guess of what the examiner requires) are not disclosed or taught fairly in the prior-filed application (guessing that the examiner means the original U.S. application). Applicant's attorney does not fully understand this requirement as the prior filed application (the original U.S. applicatin) cannot be amended to provide